

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

In re

PAUL A. LETOURNEAU AND
TERRI C. LETOURNEAU

DEBTORS

)
) Chapter 7
) Case No. 05-48019-HJB
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TRUSTEE'S OMNIBUS OBJECTIONS TO CLAIMS
PURSUANT TO BANKRUPTCY RULE 3007 (d)(1), (d)(4) AND (d)(5)

Now comes Gary M. Weiner, the duly appointed Chapter 7 Trustee in the above-captioned proceeding, (hereinafter "Trustee") by and through his counsel Weiner & Lange, P.C., and hereby objects to the following claims filed in this Chapter 7 proceeding: Claim No. 3 filed by Capital One Bank; Claim No. 5 filed by LVNV Funding LLC its successors and assigns as Assignee of Citibank and Claim No. 1 filed by Roundup Funding, LLC. In support thereof, the Trustee respectfully represents the following:

1. On October 7, 2005, the Debtors filed a voluntary petition under Chapter 7 of the U.S. Bankruptcy Code.
2. On or about October 7, 2005, the Gary M. Weiner, was appointed Chapter 7 Trustee and he continues to serve in that capacity.
3. The matters set forth herein constitute core proceedings, pursuant to 28 U.S.C. § 157(b)(2)(B).
4. Pursuant to a notice issued by the Court, the last date for filing a proof of claim was October 30, 2007.
5. As the result of the actions of the Trustee, the Trustee is holding the approximate sum of \$90,000.00 for distribution in this case.

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OBJECTION TO THE CLAIM OF CAPITAL ONE BANK
CLAIM NUMBER 3

6. On September 13, 2007, Daniels Law Office on behalf of Capital One Bank filed a proof of claim in the amount of \$19,293.77.
7. The claim was filed as a secured claim and the basis of the security was a judgment lien which had been recorded in the Franklin County Registry of Deeds.
8. On February 3, 2006, this Court entered an order avoiding the judicial lien of Capital One.
9. The Trustee objects to this claim as a secured claim and requests that the claim be allowed as an unsecured claim in the amount of \$15,628.48¹ pursuant to Bankruptcy Rule 3007 (d) (5).

OBJECTION TO THE CLAIM OF LVNV FUNDING LLC
CLAIM NUMBER 5

10. On March 18, 2008, Resurgent Capital Services on behalf of LVNV Funding LLC, its successors and assigns as Assignee of Citbank, filed a claim in the amount of \$3,613,68.
11. The claim was filed as an unsecured proof of claim, and the basis for the claim was credit card debt.
12. The Trustee objects to this claim due to the fact that it was filed after the bar date.
13. The Trustee therefore request that this claim be allowed but treated as a tardily fled claim pursuant to Bankruptcy Rule 3007 (d) (4). It is not be paid upon unless all claims filed in a timely manner have been paid in full.

¹Execution attached to Proof of claim is in the amount of \$14,378.25 as of January 13, 2005. Daily interest rate is \$4.70 and from January 13, 2005 to October 7, 2005 there are 266 days which adds \$1,250.00 to the execution total for a balance of \$15, 628.45 as of the filing date.

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OBJECTION TO THE CLAIM OF ROUNDUP FUNDING, LLC

CLAIM NUMBER 1

14. On August 10, Roundup Funding, LLC, filed a claim in the amount of \$34,401.25.
15. The claim was filed as a general unsecured proof of claim, and the basis for the claim was money loaned.
16. Upon information and belief Roundup Funding, LLC acquired the claim through Unifund CCR Partners.
17. Upon information and belief the original creditor was Bank One which was subsequent acquired by First USA Platinum.
18. The Trustee objects to this claim due to the fact that it appears to be a duplicate of a proof claim filed on August 21, 2007 as claim number 2, in the amount of \$17,007.84. Claim number 2 was filed by Kream and Kream on behalf of Bank One.
19. Schedule F of the Debtors' petition lists a claim to Bank One in the amount of \$17,007.84.
20. Trustee therefore requests that this claim be disallowed in its entirety as a duplicate claim pursuant to Bankruptcy Rule 3007 (d) (1).

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WHEREFORE, the Trustee respectfully requests

1. That his objections to claims be sustained; and
2. For such further relief as this Court deems just and proper.

GARY M. WEINER, Chapter 7 Trustee Estate of
Paul and Terri Letourneau
By His Counsel

/s/ Gary M. Weiner, Esq.
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Date: April 22, 2008

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CERTIFICATE OF SERVICE

I, Gary M. Weiner, Esq. do hereby certify that on the 22nd day of April, 2008, a copy of the foregoing Trustee's Omnibus Objections to Claims was served via first class mail, postage pre-paid, or via electronic mail to the following parties:

United States Trustee

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Interested Parties

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/s/Gary M. Weiner